

**From:** [Zimmerman, Bernardine \(DSHS\)](#)  
**To:** [Mason, Steve](#)  
**Subject:** FW: West Fertilizer Plant should have been in the CFATS program but was unknown to DHS  
**Date:** Tuesday, April 23, 2013 9:13:22 AM

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FYI – here as a report from Tim Gablehouse – Thought I would forward it to you in case you are not on his email list.

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**From:** Timothy Gablehouse [<mailto:tgablehouse@gcglc.com>]  
**Sent:** Tuesday, April 23, 2013 8:18 AM  
**To:** Timothy Gablehouse  
**Subject:** West Fertilizer Plant should have been in the CFATS program but was unknown to DHS

In the more than eleven years since 9/11, several reports have revealed that weak security measures in place at nuclear and chemical plants demonstrate that there is nothing standing between a determined terrorist and the dangerous weapons materials inside of U.S. plants.

Nuclear and chemical plant threats have been largely ignored by the Department of Homeland Security and other regulatory agencies with the exception of a brief period following Japan's nuclear disaster in March 2011.

Thursday night's explosion at the West fertilizer plant in Texas involved more than 100 times the weight of the ammonium nitrate and fuel-oil mix used in the deadly 1995 Oklahoma City bombing, which killed 168 and injured over 800.

West Fertilizer plant management failed to alert the Department of Homeland Security (DHS) that it was storing 1,350 times the amount of ammonium nitrate allowable without mandatory safety checks.

Although the EPA and the Occupational Safety and Health Administration (OSHA) are responsible for overseeing safety at fertilizer plants, the responsibility of regulating the handling or storage of ammonium nitrate falls mostly under the U.S. Department of Homeland Security (DHS).

The Chemical Facility Anti-Terrorism Standards Act (CFATS) passed by Congress in 2006 set security standards for chemical plants. However, Reuters reports that West Fertilizer plant failed to alert DHS it was storing 1,350 times the amount of ammonium nitrate allowable without mandatory safety checks, bypassing the CFATS laws.

The U.S. Department of Homeland Security's application of CFATS has been highly criticized as ineffective. CBS News reported in July 2012, that after nearly 5 years and \$480 million dollars spent on CFATS, over 90 percent of the riskiest chemical plants, which pose the greatest risks to life and health of millions of Americans had not even been inspected for compliance.

In June 2012, the Government Accountability Office (GAO) report revealed that not a single plant of the 4,400 chemical plants covered by CFATS had been fully inspected.

U.S. Rep. Bennie Thompson, (D-MS), a ranking member of the House Committee on Homeland Security, said that West Fertilizer plant is not currently regulated under the CFATS program." Rep. Thompson described West Fertilizer as being "willfully off the grid" prior to the explosion at the plant.

In a statement, Rep. Bennie Thompson, (D-MS), a ranking member of the House Committee on Homeland Security said:

"This facility was known to have chemicals well above the threshold amount to be regulated under the Chemical Facility Anti-Terrorism Standards Act (CFATS), yet we understand that DHS did not even know the plant existed until it blew up."

Federal officials say the cause of the initial blast may not be known for several weeks.